

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte HITOSHI HIKETA, MINORU
YOSHIDA and JUNICHI HASEGAWA

Appeal No. 94-0688
Application 07/635,200¹

ON BRIEF

MAILED

JAN 29 1996

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Before KRASS, BARRETT and FLEMING, *Administrative Patent Judges*.
FLEMING, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 2 through 7, 9 through 20 and 23 through 31. Claims 1, 8, 21 and 22 have been cancelled. Subsequent to the final rejection, claim 2 has been cancelled. Thus, claims 3 through 7,

¹ Application for patent filed January 2, 1991.

9 through 20 and 23 through 31 are properly before us for this appeal.

The invention is directed to an item selection signal input apparatus having a display device and a transparent touch panel formed on a screen of the display device that allows the touch panel to function as an input apparatus of a plurality of types according to the picture of the keyboard displayed on the screen. On page 5 of the specification, Appellants disclose that in prior art item selection signal input apparatus shown in Figure 1 stores a plurality of pictures of key arrangements to be displayed on an input screen 32. Appellants disclose that automatic switching between these pictures of key arrangements is carried out according to the method shown in Figure 2. On page 6 of the specification, Appellants disclose that when the determination is made that the display screen is to be changed to another picture of key arrangements, the application program first selects the screen that should be displayed. Host computer 26 provides the specification of the selected screen and the screen switching command to switch the screen to item selection signal input apparatus 31. Appellants teach on page 8 of the specification that this method places considerable burden on the host processor.

To overcome this problem, Appellants disclose on pages 25-26 that Figure 3 is an apparatus of an item selection signal input apparatus that includes its own internal processing unit 1 and multiple memories which function to a great extent independently of the host computer. On pages 29-31 of the specification, Appellants refer to Figure 3 which shows an item data table. The item data table stores the next screen selection information for each item key on a display screen. The item selection signal input apparatus accesses the item input data table in response to a depression of a particular zone panel to determine and automatically switch to the next screen of information associated with that particular item key.

Independent claim 19 is reproduced as follows:

19. An item selection input apparatus enabling an operator to communicate with an external data processing device, comprising:

variable format display means having a display screen for displaying a selected one of a plurality of screen formats;

a transparent keyboard panel overlayed on said display screen and divided into a matrix of manually selectable zone panels, wherein each screen format is configured to identify plural item keys, each item key corresponding to one [sic, one] or more zone panels, and wherein when an operator selects a particular item key, a corresponding one of said zone panels provides a zone panel selection signal;

data storage means for storing screen format data representing said plurality of screen formats and an item input data table, indicative of a plurality of input data groups associated with a plurality of item keys, including for each

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input item data group a page number assigned to the group with one or more screens associated with each page number, and for each item key included in the input data group:

item key positioning data and item key size data to be associated with at least one zone panel,

display text data for defining the symbols to be displayed corresponding to each item key, and

coded digital data to be output in response to manual operation of each item key;

display control means responsive to said zone panel selection signal for controlling said variable format display means to select the next screen format out of said plurality of screen formats to display said selected next screen format on said display screen;

output means responsive to the operation of an item key of for accessing that portion of said item input data table corresponding to the page number associated with the selected item key and for providing coded digital data to said external data processing device;

said data storage means further including:

screen format identification signal means for storing and providing a screen format identification signal to identify said selected screen format; and

next-screen-table storage means for storing a next screen table including screen format selection information including a page number for specifying the screen format to be displayed next depending upon the combination of said zone panel selection signal and said screen format;

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retrieving means responsive to said screen format identification signal and said zone panel selection signal for searching said next screen table storage means to obtain a page number for identifying the screen format to be displayed next; and

means for deriving screen format data provided by said retrieval means from said data storage means and providing the same to said variable format display means.

The Examiner relies on the following references:

Day et al. (Day)	4,763,356	Aug. 9, 1988
Bromley et al. (Bromley)	4,908,612	Mar. 13, 1990

Claims 3 through 7, 9 through 20 and 23 through 31 stand rejected under 35 U.S.C. § 103 as being unpatentable over Day and Bromley. Rather than reiterate the arguments of Appellants and the Examiner, reference is made to the brief and answer for the respective details thereof.

OPINION

We will not sustain the rejection of claims 3 through 7, 9 through 20, and 23 through 31 under 35 U.S.C. § 103.

The Examiner has failed to set forth a *prima facie* case. It is the burden of the Examiner to establish why one having ordinary skill in the art would have been led to the claimed invention by the reasonable teachings or suggestions found in the prior art, or by a reasonable inference to the artisan contained in such teachings or suggestions. See *In*

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re Sernaker, 702 F.2d 989, 217 USPQ 1 (Fed. Cir. 1983).

On page 10 of the brief, Appellants argue that with respect to independent claims 19, 20 and 23, neither Day nor Bromley discloses or suggests the claimed "data storage means ...", a "display control means responsive to a zone panel selection signal for controlling a variable format display means to select the next screen format ..." and an "output means responsive to the selection of an item key for accessing that portion of the item input data table corresponding to the page number/group identifier associated with the selected item key". Appellants argue that neither Day nor Bromley teaches storing next screen selection information for each item key on a display screen in an item input table. Appellants further argue that neither Day nor Bromley teaches a display controller that accesses the item input data table in response to a depression of a particular zone panel to determine and automatically switch to the next screen of information associated with that particular item key. On page 11 of the brief, Appellants point out that Day is similar to the prior art described in the Appellants' specification in that the input selection device 15 requires the operator to manually operate a key, special equipment button 102, to switch to another display screen.

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On page 3 of the answer, the Examiner acknowledges that Day is similar to the prior art described by Appellants. In addition, the Examiner recognizes on page 4 of the answer that Day does not teach an item input data table that stores commands which control the digital data generated in response to a key selection by a user as recited in Appellants' claims. However, the Examiner argues that "it would have obvious to one of ordinary skill in the art at the time of the invention to store these commands with the commands which control the displayed key size and position and test since this would be a simpler program layout which would be more easily changed if a particular touch screen zone panel is to be modified."

We note that the Examiner did not show any evidence to support that it would have been obvious to provide a table driven system for selecting the next screen or that Day or Bromley teaches a display control means for controlling a variable format display means to select the next screen format and an output means responsive to the selection of an item key for accessing that portion of the item input data table. We are not inclined to dispense with proof by evidence when the proposition at issue is not supported by a teaching in a prior art reference, common knowledge or capable of unquestionable demonstration. Our reviewing court requires this evidence in order to establish a *prima facie* case. *In re Knapp-Monarch Co.*, 296 F.2d 230, 232,

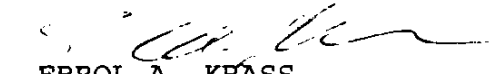
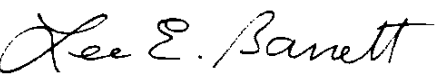

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132 USPQ 6, 8 (CCPA 1961). *In re Cofer*, 354 F.2d 664, 668, 148
USPQ 268, 271-72 (CCPA 1966).

The remaining claims on appeal also contain the above
limitations discussed above and thereby, we will not sustain the
rejection as to these claims.

We have not sustained the rejection of claims 3 through
7, 9 through 20 and 23 through 31 under 35 U.S.C. § 103.
Accordingly, the Examiner's decision is reversed.

REVERSED


ERROL A. KRASS)
Administrative Patent Judge))

LEE E. BARRETT)
Administrative Patent Judge))

MICHAEL R. FLEMING)
Administrative Patent Judge)

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